



CHARTER REVISION COMMISSION
JUNE 10, 2014
7 P.M.

Charter Revision

The Charter Revision Commission meeting was held in the Conference Room A at the Board of Education Administration Building, Hunting Hill Avenue on Tuesday, June 10 at 7 p.m.

Present

David Larson, Chair, Philip Pessina, Robert Blanchard, Michael Gaudino, Kathryn Adams, Thomas Hutton, Joseph Milardo, Daniel Ryan and staff Clerk Marie Norwood.

Absent

Domenique Thornton, Vincent Loffredo, and Anton Petras

Also Present

No members of the public.

Called to order

The Chair called the meeting to order at 7:02 p.m.

Minutes Approved

The Chair asks for a motion on the minutes. Commissioner Pessina moves the minutes of June 3, 2014 for approval; his motion is seconded by Commissioner Ryan. The Chair states there is one minor change, Page 2 under review of Common Council Resolution, the word budget needs a t. He calls for the vote and it is unanimous to approve by the members present.

Public Hearing Opens

No one comes forward to address the Commission.

Public Hearing Closes

The chair closes the public hearing.

The Clerk reports on finding in 2008, Charter Revision looked at term limits and City Attorney found that in CT Constitution states no term limits. Commissioner Milardo disagrees and the Committee asks that General Counsel review.

The Clerk reported that preliminary opinion from General Counsel is that the Board of Education cannot be a separate taxing district. The Commission will wait until the opinion is received before discussing the item.

The Clerk states that the City needs a treasurer, but it can be appointed; it does not need to be elected.

The Clerk reported that she asked CCM to look into salaries of Mayors of similar towns and a list of those towns with 4 year Mayor and or Councils.

Commissioner Blanchard asks the Commission to review, from the last election, a confusing situation with Planning and Zoning; it is now currently 4 democrats and 3 republicans. Parties put up candidates for the seats available and not whether or not a party can fill the seat. Both parties put up 3 candidates, but only one democrat could take the seat. In effect, you are canceling out their vote. He would like to see that candidates only run for the seat that they can fill and not for the number of openings.

The Chair asks Commissioner Pessina to check to see if there are any members of the public in the hall. He does so and states there are no members present. Comm. Blanchard moves to close public comment and it is seconded by Comm. Gaudino. The vote is unanimous. The Chair closes public comment.

The Chair welcomes Kathy Adams. He explains what they did last week: several ideas were put on the table and made into a list and they went through the list and decided what they would not consider and then developed the list that we will work through. It does not preclude us to add items to the list.

He moves to the first item on the list.

1. Remove treasurer as elected official and appoint the Finance Director.

Comm. Pessina moves it for approval and is seconded by Comm. Milardo.

Comm. Ryan was on the last Charter Revision Commission and it was brought up and almost passed and it makes sense. It is a waste of money; it makes sense to eliminate it. Comm. Milardo states it is a duplication of duties. Comm. Adams states we would still have treasurer and it would be Director of Finance. Comm. Milardo states he would like to add it to Chapter 6 or where Directors are.

Chair Larson suggests we do conceptual things and send it to the City Attorney and have him develop language for us to discuss and approve. Comm. Pessina asks if it is his expectation he would not be paid any extra money; no additional compensation. Comm. Gaudino asks if he is in a Union; the response is no. Chapter 4, Section 4 the current section for Treasurer and put it that such position will not be paid, stipend or bonus.

There is no further discussion. The Chair calls for the vote on recommending removing treasurer that is elected and compensated and put it under duties of the Finance Director with no compensation. It is Unanimous to approve with seven aye votes.

2. Responsibilities shared with General Counsel and /Corp. Counsel.

Comm. Milardo states this issue is in conjunction with removing the Mayor as Chair of Council; if that doesn't happen then this change is moot. It doesn't need to change unless the Council changes.

3. Remove the Mayor as Chair of the Council.

The Chair states then they should go to that item. Comm. Milardo states we look at ourselves in the future as a stronger Council legislative body and a stronger executive in the Mayor; if he is removed as Chair then he does not have any built in conflicts and the Council will not be involved with administration. Some actions of the Mayor and the Council going along brings into consideration if it is an executive situation or legislative and the Mayor has to administer that without being involved with the meeting or casting the deciding vote if there is a tie. Sometimes the Majority and Minority come into parity and the Mayor then has to cast a vote. He would like to see, the city have a Council legislate, set budgets and if the Mayor has presentation and plans, the Mayor can go to the Council and say this is my plan for the future and it falls into the Council setting up any committees, councilmanic bodies that work with the Mayor and not worrying about the Mayor having a vote. Then it is up to the Council and its constituents. They (constituents) want the council to be responsible to them and not the Mayor. The Council can self-generate and the majority party would work with the Mayor of their own party; the executive would be free and independent of the Council. The closest it comes to that is during the budget process.

Comm. Milardo moves to have an elected Council President and remove the Mayor as its Chair; Comm. Gaudino seconds the motion.

Comm. Ryan states he has been corporation counsel under three mayors and I have been parliamentarian for about 12 years and I think the present system works fine. Historically the Mayor has always been the chair and the only time he ever votes is a tie when you do need to break a tie. You have to have someone break a tie and it is not exercised often, but it is important. I also think it is important to the continuity of the Council and workings of the city and the mayor sit through the Council meetings. You get to see what the public thinks and there is continuity with the Mayor as chair. Parties do not always line up as they are supposed to. He is strongly opposed to changing this and he doesn't see a reason to see a change.

Comm. Pessina agrees with Comm. Ryan. After serving 3 terms on the Council., their primary responsibility is fiduciary. We formulate the budget and make appropriations. We and for as long as I have known, it has been a strong mayor government. If we are inclined to remove the mayor and put a Council person as a presiding officer then we are not giving the due diligence to the public who elects us as an individual. They need to be at the meeting as Dan said and that person is elected by the public and they are given their opportunity to present ideas and criticisms. He is the chief executive and proposes the programming the city needs. Our strong mayor government it is one of the most secure financial cities in Connecticut. We should make it stronger and then have a Council responsible for the fiduciary responsibilities. I will not support this because it is the public who puts them in office. There is no need for term limits and it is the public's decision to make their voices known.

Comm. Adams agrees with Comm. Ryan; the system is working fine and works well in the U. S. Senate. If the issue is about allegiance and voting based on that, I am not sure that would change with this.

Comm. Blanchard agrees with everyone's comments. The Council is too small of a body for this kind of system. With twelve people it is too complicated and creates a political atmosphere that is not needed.

Comm. Milardo states then you need to read the Charter because you are violating it. The Charter states and he reads the Duties of the Council; he states this is what the Charter wants to see. What you are doing is not what the Charter says. He discusses an article in the paper about the Mayor removing personnel and conducting Loudermill hearings; that city employee can come to the Council to appeal. You have to read the charter and understand how it is set up. Since someone decided to put the Mayor as the chair of the Council, it is not the reason to not do this. The Mayor's control of the council is the veto power. The public's right to control is referenda. There are a lot of things the Council and mayor do that should be tightened up and go into a legislative versus executive tension. It is good to have politics. I would suggest if you defeat that, then take the line out of Section 4; you are not the legislative body but an amalgam.

Comm. Ryan states that he conceptually disagrees and I have enormous respect for you. The Mayor's role is chair and his only role and I don't see how we are violating the Charter. The Council has tremendous power, voting on any financial item. The Mayor is only the Chair. Comm. Milardo states he was corporation counsel and has looked at it from both ends. Comm. Ryan states I like the strong mayor system in Middletown. It works very well because there is bipartisanship. It diminishes the power of the Mayor by not being there as chair and it has been in the charter for as long as I know. Comm. Pessina states he doesn't see where this is coming from. It doesn't say the Mayor is an active member of the Common Council and votes only when there is a tie. I don't see where removing the mayor. . . it will stink of politics and I don't want it. Only a small number of people want this. This has lasted for years and we are financially stable.

The Chair calls for the vote to remove the mayor as presiding officer at council meetings.

It is two aye votes by Commissioners Gaudino and Milardo; and five nay votes by Commissioners Hutton, Pessina, Adams, Blanchard, and Ryan. This motion fails.

2. Corporation Counsel

Councilman Milardo states the idea was to create a separation of executive and legislative by removing the Mayor as presiding officer; the Council organizes and one of the things we thought we should have is presently Corporation Counsel has a dual role as Council parliamentarian and when assigned a legal opinion to do for the Council. It is too loosey-goosy as to who is responsible for what. No one can go to the Legal Department unless they go through the Mayor and the Council has no one and has to use Corporation Counsel if the Mayor assigns it. He would like Corporation Counsel appointed by the Council and the stipend is made by the Council and he would like it an autonomous body. Remove the City Attorney from any political aspect and have the Council have its own legal counsel and the Mayor have his own.

Chair Larson asks if the General Counsel is the Office of City Attorney. Comm. Milardo states yes; the city attorney answers to the Mayor. If the Council wanted an opinion, he would go

through the Mayor. Chair Larson asks as Corporation Counsel what do you do. Comm. Ryan states is this discussion about initiative. Comm. Milardo states it is about the actual appointment. Comm. Ryan responds he has been Counsel under three Mayors' and it works well. The Mayor appoints and has to have confidence in their parliamentary ability. The duties of the Corporation Counsel are to be parliamentarian and to render legal opinions when asked. I am asked and I have often ruled against the Mayor. Chair Larson who do you answer for. Comm. Ryan states the Council, but I am appointed by the Mayor. The Mayor needs to have confidence in the person who is parliamentarian. He thinks the system works well.

Comm. Milardo states he has no dog in this fight. The council would appoint the Corporation Counsel and serve the council only and the general counsel would serve the Mayor. The city attorney office would not have to be asked to do an opinion for the Council.

Chair Larson if there is a difference of opinion between the two; Comm. Milardo states you have to go along with one of them and hope you are selecting the right one. Comm. Pessina states if that was the case then it would be a conflict between the Mayor and Council. Comm. Milardo replies if two people giving legal advice to a person, his concern is as any attorney has with big families and giving advice to one person and something else comes up, you will be caught in the middle. If we are not going to do the Council thing, you might leave it as it is. Comm. Pessina states if there is a conflict you have a City Attorney; in my line of thinking if there is a conflict between the Mayor, Council and Corporation Counsel, he would turn to the City Attorney. He would want to appoint a Corporation Counsel who would be fair to me and to the Council. If you appoint only a political person, you would destroy the trust. Comm. Milardo asks what do you mean political. If you sense a conflict, you are duty bound to let the person know; it has nothing to do with politics. If you have a strong council, this makes sense; if you don't have a strong Council, it doesn't make sense.

The Chair states there is no motion to do this.

3. Cap on bonding: set cap $\frac{3}{4}$ million; after that it goes to referenda. And the cap is \$2.5 million and it would require supermajority vote.

Comm. Milardo moves the motion and it is seconded by Comm. Gaudino.

Comm. Milardo states we propose that there will be a slight increase and only bond three times in any fiscal year and it can only be done by a supermajority vote of the Council, then the tax payers are assured a vote by one individual of the minority party. It means bipartisanship. Chair Larson asks if it is a simple majority to go to \$750,000; after that it is referendum. Comm. Ryan states it is two changes; one is a cap on total bonding in any fiscal year. I think that hampers both the Common Council and Mayor to put forth bonding that is needed. If you have a total cumulative cap, it could back fire. The cap is \$750,000; you can keep that, but not a cumulative cap. It could hamper the Mayor to put forth proposals. Comm. Pessina states the nine vote bipartisanship, if the member feels it is an appropriate way to spend money, they vote for it and if they put the nine in, it can become political and stop the process by a minority member. If the bond is made appropriately, then you will get minority members to vote for this. A

supermajority is to ask for problems. Comm. Ryan states point of information, is it a simple majority. The response is yes. He continues to go from simple majority to super majority is a tremendous change, that one person can prevent it to happen. Comm. Milardo states you would need four people not to vote for it, not one. Comm. Blanchard states he has mixed feelings. He is in favor of increasing the bond, but not the supermajority. Comm. Hutton believes in the $\frac{3}{4}$ million; it is enough and I think the simple majority in this case would be adequate. People should have a say on bonding. He would like one item for \$750,000 and doesn't want a supermajority.

Chair Larson asks have we ever run up against a problem with too many bonds approved. Comm. Pessina states bond counsel guides us. They seek guidance from bond counsel. Chair Larson doesn't remember a lot of bonds. Comm. Gaudino states on the \$750,000 would it be one time or as many as they want. He would like it to go to the taxpayers. He asks what happens if they bond and it runs over. Response is they go back to referendum. Comm. Milardo states if it comes in way over it goes out to referendum. Comm. Milardo states they thought of increasing the \$750,000, but then you get two more shots and put a cap on it.

The Chair calls for the vote on the bond cap and supermajority vote. It is two aye votes by Commissioners Gaudino and Milardo; and five nay votes by Commissioners Ryan, Hutton, Pessina, Adams, and Blanchard. The motion fails.

Comm. Blanchard states he would propose raising the bond to \$1 million. Comm. Gaudino states his feeling is that anytime they go to bond, it is at \$749,000 and if a million it would be \$999,999. Comm. Milardo states the cost of referendum should be considered. It is time and the cost of a referendum. The cost is about \$24,000 and it also takes time. It is the time and getting the ballot. Comm. Milardo states let's give them more and keep control. It does cost to go out to referendum. Comm. Blanchard states the concept was to compromise: to increase it to \$1,000,000; Comm. Adams seconds the motion. Comm. Pessina states I understand where you are coming from and I would propose to leave it at \$750,000 and make a notation that the committee strongly discussed raising it and seek guidance from the Council. If they could sight examples, then our final product will reflect that. Chair Larson they can change what we propose and then we can meet again.

Comm. Milardo states we have to come up with a report. Comm. Pessina states maybe I misunderstood. Chair Larson states we give them a draft report. Comm. Milardo states so you understand, when we make a report, they will have a special meeting and he will discuss what we voted down.

Comm. Adams states she is in favor of cap to \$1 million because then we have to wait until next charter revision so we should propose it and let them vote it down. Chair Larson states inflation has been 15%. Comm. Hutton asks how many bonding issues did the public vote down. He would like it to stay at $\frac{3}{4}$ a million and if need to, then go to referendum. Comm. Milardo would be comfortable with \$1 million with a supermajority vote. Comm. Blanchard states if we haven't increased it and for efficiency sake, we should bring it up now. Comm. Gaudino states his question is between \$750,000 and \$1 million did we have a problem voting. Comm.

Blanchard states it is increasing the \$750,000 to \$1 million. Comm. Ryan states this is not involving a supermajority or a cap.

The Chair calls for the vote. It is four aye votes by Commissioners Adams, Pessina, Ryan and Blanchard; and three nay votes by Commissioners Gaudino, Hutton and Milardo. The motion carries to increase the bond limit to \$1 million

4. Appropriations from general fund requiring a supermajority.

Commissioner Milardo moves this for approval and Commissioner Gaudino seconds the motion.

Comm. Pessina states each caucus will explain the reasons for the appropriation and with bipartisanship in mind, then they vote. Personally nine votes adds a political element to the Council and adds problems. If the Council members, minority and majority, are comfortable with it they don't need nine votes and he has his own situation and he knows what can happen. Comm. Adams states she is not sure of the difference between this and the one we voted down. Does your proposal mean any appropriation. Comm. Milardo states it is budgeted funds and it would be a super majority. It is for bonds between \$500,000 and \$750,000. Comm. Pessina states the supermajority has nothing to do with the intellect or understanding of the majority. It just stops the process. If you want to spend money, sell it to me. I don't need to have a requirement that it is nine votes and that decides it. If it is good for the city and financially responsible, that is all I need. Comm. Gaudino states the issue is exactly is the appropriations through the year and we are not budgeting correctly and that is why I am for the supermajority. How many have we done this year. Chair Larson states the Board can never expend more than allocated and Board members are personally liable. If you have \$70 million can you spend more than that. Comm. Ryan states they are not personally liable. Comm. Milardo states it is a proper budgeting tool and the State of CT decided that you can't limit the board by what you allocate them, but it has to be legitimate educational issue. Chair Larson states you can dip into the fund balance. Comm. Milardo states you have a reserve. Comm. Ryan states he will vote against this because of the super majority.

The Chair calls for the vote on appropriations from general fund. It is two ay votes by Commissioners Gaudino and Milardo; and five nay votes by Commissioners Adams, Pessina, Hutton, Ryan, and Blanchard. The motion fails.

The Chair states the Bond ordinance approval with nine votes was no and no to the cap on bonding.

5. School District as its own taxing district

The Chair states the preliminary decision is no for the school tax district; they will wait to discuss until they see the findings.

6. Term and term limits for the Council and mayor.

The Chair asks if they should separate them for discussion. For Term limits, they need to know if it is allowed.

Chair Larson asks should we increase the Mayor term to 4 years and Council but separate them.

Comm. Adams moves that the Mayor's term be increased to four years; Comm. Pessina seconds this motion. Comm. Hutton states it works fine with two years as does the Council. To quote one of his former bosses if it ain't broke, don't fix it. Comm. Ryan states this almost passed last time there was Charter revision; the Mayor and Council should have 4 year terms; it will save money not having a two year election. The Mayor and Council, by the time you learn what you are doing, it takes at least a year and then they are up for reelection. It makes a lot of sense; most towns are doing this. I am in favor of both the mayor and council with four year terms.

Comm. Blanchard sees pros and cons increasing the Mayor's term to 4 years; I agree with Dan just when you get in your groove, it is election time. However keeping them (Council) at two year terms would be better. If you could do staggered terms so you can have institutional knowledge that would be better for a four year term for the Council. Comm. Pessina states as far as the Mayor goes he supports the four year term. He is the CEO of the City and what the requirement is during the election is to present a road map of their vision for four years. A good CEO will set appropriate goals and objectives. It gives the voter an opportunity to look at the vision. It gives the public the opportunity to vote for the person who they like. The Mayor 's first year, he is learning the City and putting forth the budget and should look at the budget for the next three years. In order to be a good CEO, you need to have four years to get the job done. The voters will tell you are correct by reelecting the person. It puts a requirement on the mayor to present a vision and in four years to reach the goals and objectives.

Comm. Milardo states his view is he likes the four year term in terms of career planning; they look and run for mayor and get out of their career path, am I going to run for election or not. It will help people make a decision to serve as mayor and a 4 year hiatus is not so long you can't get a leave of absence and it is long enough to explore options if things are going bad during your term. We put the split because the Mayor will have the ability to be recalled by the vote of the Council and he only wants it if they Council has only two years. Comm. Blanchard states we don't have to worry about anyone becoming power hungry. Chair Larson taught on the graduate level; and it takes three years to learn. He came as close to doing the Mayor's job as Superintendent and I have to tell you it took me three years to begin to see the changes. It took three years to put my hands around it to steer the aircraft carrier. I am in favor of the four year term.

The Chair calls for the vote on the Mayor's term to four years. It is seven aye votes by Commissioners Gaudino, Adams, Pessina, Ryan, Milardo and Blanchard; and one nay vote by Commissioner Hutton. At a later time, Commissioner Hutton asked to have his vote on this matter changed to aye, making it a unanimous vote to approve a four year Mayoral term.

7. Mayor and Council Salaries

Chair Larson states they should deal with Mayor's salary and look at the Council's salary. He states we talked about \$100,000 and about the concept that they don't get retirement and can't do social security and thought to give them a tax shelter annuity they can take with them. Comm. Adams states you don't want someone taking the job feeling like they can get rich at it. Comm. Blanchard states it is a sweet spot and it isn't low enough; it is a full time job. There are a lot of responsibilities and it is four years. Chair Larson it would include a \$10,000 and \$15,000 401K annuity. The proposal included an annual increase based on CPI. Comm. Milardo states it would be the same increase the Board of Pension votes for retirees. The Council doesn't have to wrestle with it and it keeps it fair. Comm. Gaudino asks if it would be a 401K. Chair Larson states they don't get social security. Comm. Milardo states it is what you want to pay. Comm. Hutton states you would draw a better class of individual to run. Chair Larson in other cities they do have a city manager.

Comm. Pessina would like to table the discussion until information comes from CCM; he asks that they look at what other councils are getting.

8. Council terms four years.

Comm. Ryan moves Council terms of four years and Comm. Adams seconds it. Comm. Ryan states Comm. Milardo mentioned that in DC they are elected for two terms and that is the House of Representatives; the Senate is elected for four years. This would save the city money by not having an election for two years and might be an incentive for people to run for council and the concern I have is you don't have the Council and Mayor running together, you will have the off year of the Council running you won't get people to come out to vote. Comm. Milardo states that is fine but you have a lot of other people with staggered terms. You won't save money on elections. You ought to be able to recall your mayor through Council elections. The Council is not full time and not running to leave their jobs and it might work if they were leaving jobs. The Council is essentially assistance. Comm. Blanchard agrees with Comm. Milardo; it is part time. The only way he would support it is if there were staggered terms so some stay with experience. Unfortunately, it would not save election money.

Comm. Hutton when we voted for the Mayor for 4 year term. The Chair states we are looking at the issue of the Council. Comm. Hutton states is the Mayor four years and a total of 8 years. The Commission states we are not discussing that. Comm. Milardo states it can be. Comm. Ryan states if the Council is elected for four years, they don't have the power of recall. Comm. Milardo states it is recall with another election. The Mayor would be endangered to lose a Council majority, you will have more people voting.

Chair Larson states his understanding is you can't recall public officials. Comm. Milardo states State officers can be impeached. Comm. Adams has concerns that the Mayor would campaign for the Council every two years and it would only be a semantic difference if his term is four years. Comm. Milardo states if I were Mayor and did 5 year budget and you could take the Council away, he would work hard to make sure the Council states in. Chair Larson is torn and there has to be accountability and four years is less than two and something between would it be

staggered terms then there would be people running every two years, like the Board of Education; every two years you elect four positions and 5 positions. Comm. Adams likes that. Comm. Blanchard if there are six seats up and four year terms you can clean house and you keep people in check and there is accountability. Chair Larson states by law there has to be minority representation. Comm. Milardo states that could create a frustration. Comm. Blanchard states that does present a problem with minority representation. Comm. Milardo responds they had two year terms and everyone was elected and it worked better and the boards were more cohesive. Comm. Ryan likes four years for the council although a part time job it takes them a year or two to learn it especially in the budgetary area and I think it would incentivize better candidates to run. It makes a lot of sense. Comm. Blanchard disagrees respectively.

Comm. Pessina states they should vote on this. Chair Larson states we are voting on a strict 4 year term. It is not staggered and there is no limit.

At this time, 8:40 p.m., Comm. Hutton respectfully advises the Commission he would like to change his vote and would like a four year term for Mayor. It is so noted here and at the time of the vote on this issue.

The Chair calls for the vote on a 4 year term of Council. Comm. Gaudino asks if they can come back to term limits; my vote would be no without term limits. Comm. Milardo states anything we adopt, we will vote on a final report.

Comm. Adams states if we vote yes, we will not discuss staggered terms. Comm. Milardo responds it goes on table with staggered terms. It will be brought up on the final package.

The vote is called on 4year council terms. It is two aye votes by Commissioners Hutton and Ryan and five nay votes by Commissioners Gaudino, Adams, Pessina, Milardo, and Blanchard. The motion fails.

Motion to Adjourn

The Chair adjourns the meeting at 8:45 p.m.

Attest:

Marie O. Norwood
Staff